



Ombudsman Claims Advisory Services

Protecting employee and employer rights under the Workers Compensation Act

Responsibilities

The Kansas Department of Labor Division of Workers Compensation employs full-time personnel who specialize in aiding injured workers, employers and insurance professionals with claims information and problems arising from job-related injuries and illnesses. The Ombudsman unit acts in an impartial manner and is available to provide the parties with general information about the current issues within the workers compensation system.

For example, the ombudsman has current information on legislative changes or changes due to decisions made by the Workers Compensation Board or the courts. The Ombudsman unit can also assist with specific issues on current workers compensation claims.

The ombudsman provides information on a wide range of topics and issues concerning workers compensation to employees, employers, attorneys, insurance carriers, health care providers, insurance agents and others.

Services

For Injured Workers:

- Provide general information
- Help obtain medical treatment
- Help secure benefits not being paid or not being paid on a timely basis
- Help secure unpaid medical benefits
- Calculate benefits
- Assure timely notification of employer
- Explain procedures for filing for a hearing
- Obtain survivors' benefits
- Provide informal dispute resolution
- Provide mediation assistance
- Interpret for Spanish-speaking workers

For Employers/Insurance Companies:

- Provide general information
- Provide Workers Compensation Notice (K-WC 40) for posting
- Provide information required to be given to injured workers (K-WC 27/270)
- Assure timely submission of accident reports
- Assure timely and appropriate payment of medical services
- Explain election information
- Provide assistance with death benefit requirements
- Provide informal dispute resolution
- Interpret for Spanish-speaking workers

Other Assistance Provided

- Site visits for hands-on assistance
- Look up insurance company information
- Assist with medical bill issues
- Research prior injuries
- Assist in legislative inquiries
- Provide informational presentations
- Assist with child support orders and workers compensation benefits
- Make referrals to other agencies

Facts About Workers Compensation

- Injured workers must report an injury to their employer by the earliest of:
 - 30 calendar days from the date of the accident or the date of injury by repetitive trauma, or
 - 20 calendar days from the date the employee sought medical treatment, if still employed by the same employer, or
 - 20 calendar days after the employee ceased employment with the employer.
- Most employers who have an estimated annual payroll of more than \$20,000 are required to have workers compensation insurance.
- Employers are responsible for having accident reports filed with the division within 28 days of employer notification of an accident.
- An accident shall be reported if an employee is wholly or partially incapacitated for more than the remainder of the day, shift or turn on which the injury was sustained.
- Employers must give Form K-WC 27/270 to every employee who reports an on-the-job injury.
- Employers are responsible for providing reasonable medical treatment.
- Employers have the right to select the treating physician.
- A worker may seek the services of an unauthorized doctor up to a limit of \$500.
- Injured workers may receive 66.67 percent of their gross average weekly wages, not to exceed the maximum of 75 percent of the state's average weekly wage in effect at the time of injury.

**Ombudsman assistance
is available at:**

Phone: 785-296-2996
Toll Free: 800-332-0353

Email: wc@dol.ks.gov
Website: www.dol.ks.gov/wc/about.html